



Control Number: 48785



Item Number: 28

Addendum StartPage: 0

**SOAH CONSOLIDATED DOCKET NO. 473-19-1265
PUC CONSOLIDATED DOCKET NO. 48785**

RECEIVED

2018 DEC -6 PM 1:45
PUBLIC UTILITY COMMISSION
FILING CLERK

JOINT APPLICATION OF ONCOR	§	BEFORE THE STATE OFFICE
ELECTRIC DELIVERY COMPANY	§	
LLC, AEP TEXAS INC., AND LCRA	§	
TRANSMISSION SERVICES	§	
CORPORATION TO AMEND THEIR	§	
CERTIFICATES OF CONVENIENCE	§	OF
AND NECESSITY FOR 345-KV	§	
TRANSMISSION LINES IN PECOS,	§	
REEVES, AND WARD COUNTIES	§	
(SAND LAKE – SOLSTICE AND	§	
BAKERSFIELD TO SOLSTICE)	§	ADMINISTRATIVE HEARINGS

**FILING OF SUPPLEMENTAL AFFIDAVIT OF NOTICE AND REQUEST
FOR APPROVAL OF NOTICE AND INTERVENTION DEADLINE**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

LCRA Transmission Services Corporation (LCRA TSC) files its Supplemental Affidavit of Notice in this proceeding, attached hereto and also filed under separate cover today, and requests the Administrative Law Judges (ALJs) approve the sufficiency of such notice and the intervention deadline, as set out more fully below.

I. BACKGROUND

On November 7, 2018, LCRA TSC mailed notice of this application to owners of land directly affected by the requested certificate of convenience and necessity. Subsequently, Staff of the Public Utility Commission (Commission) informally expressed concerns about the sufficiency of the mailer's affidavit of notice filed by LCRA TSC on November 28, 2018, because it did not contain "a statement of whether any formal contact related to the proceeding between the utility and the landowner other than the notice has occurred," which is required under 16 Texas Administrative Code (TAC) § 22.52(a)(3)(D). Further, LCRA TSC learned of one landowner that had not been mailed notice of the application on November 7, 2018, when the other notices were mailed out. This error resulted from Pecos County appraisal district maps

that did not accurately depict the landowner's property or account number in the area of the proposed transmission line.¹

Upon learning of these issues, LCRA TSC immediately took steps to address them. Attached is a Supplemental Affidavit of Notice of Ms. Sonya Strambler confirming contact with some landowners in addition to the formal mailed notice in response to the request of Commission Staff. In addition, on December 4, 2018, LCRA TSC sent notice of the application by United Parcel Service (UPS) next day air delivery, with delivery confirmation, to the directly affected landowner that LCRA TSC learned had not been mailed notice previously. The notice was confirmed delivered on December 5, 2018. The attached Supplemental Affidavit of Notice addresses the notice to this landowner.

II. REQUEST FOR RELIEF

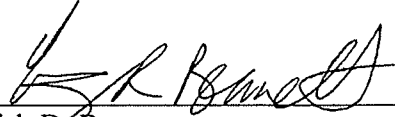
By filing the Supplemental Affidavit of Notice, LCRA TSC has addressed the concerns expressed by Commission Staff that the mailer's affidavit of notice did not fully address 16 TAC § 22.52(a)(3)(D). The Supplemental Affidavit of Notice, along with the original mailer's affidavit filed on November 28, 2018, satisfy the requirements of 16 TAC § 22.52(a)(3). Moreover, as set out in the Supplemental Affidavit of Notice, LCRA TSC has ensured that the additional affected landowner who did not previously receive mailed notice of the application has now received notice of the application. Because there are still 22 days between the date notice was served upon this additional landowner and the current intervention deadline, LCRA TSC's notice informed the landowner of the current intervention deadline rather than stating that the landowner had fifteen days to intervene from receipt of the notice, as stated in 16 TAC § 22.52(a)(3)(E), which would have effectively shortened the intervention period for the landowner. LCRA TSC requests the ALJs approve such notice with the existing intervention deadline of December 27, 2018 and grant a good cause exception to the 15-day provision of 16 TAC § 22.52(a)(3)(E) if necessary.²

¹ The Pecos County appraisal district website identifies the owner's property but indicates the property cannot be mapped.

² See 16 TAC § 22.5(b), authorizing the presiding officer to grant exceptions to the Commission's procedural rules for good cause.

For the reasons set forth above, LCRA TSC requests the ALJs find the notice provided in this case to all landowners identified in the mailer's affidavit filed on November 28, 2018, and the additional landowner identified in the Supplemental Affidavit of Notice, to be sufficient.

Respectfully submitted,



Kirk D. Rasmussen
State Bar No. 24013374

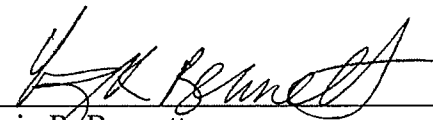
Craig R. Bennett
State Bar No. 00793325
ENOCH KEVER PLLC
5918 W. Courtyard Dr., Ste 500
Austin, Texas 78730
(512) 615-1203
(512) 615-1198 (fax)

Thomas E. Oney
State Bar No. 24013270
Emily Jolly
State Bar No. 24057022
LCRA Transmission Services Corporation
P.O. Box 220
Austin, Texas 78767-0220
(512) 473-4011
(512) 473-4010 (fax)

**ATTORNEYS FOR LCRA TRANSMISSION
SERVICES CORPORATION**

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record on this date, December 6, 2018, in accordance with SOAH Order No. 1 issued in this docket.



Craig R. Bennett

**SOAH DOCKET NO. 473-19-1265
PUC DOCKET NO. 48785**

JOINT APPLICATION OF ONCOR	§	
ELETRIC DELIVERY COMPANY	§	
LLC, AEP TEXAS INC., AND LCRA	§	
TRANSMISSION SERVICES	§	BEFORE THE STATE OFFICE
CORPORATION TO AMEND THEIR	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY FOR 345-KV	§	OF ADMINISTRATIVE HEARINGS
TRANSMISSION LINES IN PECOS,	§	
REEVES, AND WARD COUNTIES,	§	
TEXAS (SAND LAKE TO SOLSTICE	§	
AND BAKERSFIELD TO SOLSTICE)	§	

**LCRA TRANSMISSION SERVICES CORPORATION AND AEP TEXAS, INC'S
SUPPLEMENTAL MAILER'S AFFIDAVIT OF NOTICE**

Table of Contents

Affidavit of Notice	2
Exhibit A – Letter to Noticed Landowner.....	4

**SOAH DOCKET NO. 473-19-1265
PUC DOCKET NO. 48785**

JOINT APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC, AEP TEXAS INC., AND LCRA TRANSMISSION SERVICES CORPORATION TO AMEND THEIR CERTIFICATES OF CONVENIENCE AND NECESSITY FOR 345-KV TRANSMISSION LINES IN PECOS, REEVES, AND WARD COUNTIES, TEXAS (SAND LAKE TO SOLSTICE AND BAKERSFIELD TO SOLSTICE)	§ § § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**SUPPLEMENTAL AFFIDAVIT REGARDING NOTICE
AND PROVIDING ADDITIONAL STATEMENT REQUIRED
BY 16 TEX ADMIN. CODE (TAC) § 22.52(a)(3)(D)**

STATE OF TEXAS §
 §
 §

BEFORE ME, the undersigned authority, on this day personally appeared Sonya Strambler, and being by me duly sworn, upon oath declared that the statements and capacity acted in are true and correct.

“My name is Sonya Strambler. I am an employee of the Lower Colorado River Authority. I am over twenty-one years of age and I am competent to make this Affidavit. I have personal knowledge of the facts contained herein and they are true and correct.

“In accordance with 16 TEX. ADMIN. CODE (TAC) § 22.52(a)(3)(D), some formal contacts related to this proceeding have occurred between LCRA Transmission Services Corporation (LCRA TSC) and/or AEP Texas Inc. and landowners other than the notices provided by first class mail.

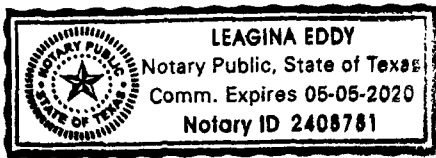
“In addition, after the provision of mailed notice in this case on November 7, 2018, LCRA TSC found that an owner of directly affected land had not been mailed such notice. To address this, LCRA TSC provided notice to the owner of the directly affected land by United Parcel Service (UPS) next day air delivery with delivery confirmation, with such delivery occurring on December 5, 2018. The notice provided by UPS next day air delivery advised, in bold and underlined type, the owner of the directly affected land of the current intervention deadline of December 27, 2018. A copy of the notice letter is attached as Exhibit A (without the attachments).

“Further, affiant sayeth not.”

Sonya Strambler

AFFIANT: Sonya Strambler

SWORN TO AND SUBSCRIBED BEFORE ME this the 6th day of December, 2018.



Leagina Eddy

Notary Public in and for the
State of Texas



December 4, 2018

The Scott II Mineral Trust
Mr. William E. Alexander
6300 Ridglea Place, Suite 611
Fort Worth, Texas 76116

Re: *Joint Application of LCRA Transmission Services Corporation and AEP Texas Inc. to Amend their Certificates of Convenience and Necessity for the Proposed Bakersfield to Solstice 345-kV Transmission Line Project in Pecos County, Texas*

PUBLIC UTILITY COMMISSION OF TEXAS (PUC) DOCKET NO. 48785 (ORIGINALLY DOCKETED SEPARATELY AS PUC DOCKET NO. 48787)

Tract ID: F-001

Dear Landowner:

This letter is to inform you that LCRA Transmission Services Corporation and AEP Texas Inc. are requesting approval from the Public Utility Commission of Texas (PUC) to amend their Certificates of Convenience and Necessity (CCN) to construct the proposed Bakersfield to Solstice 345-kV Transmission Line Project in Pecos County, Texas. The proposed transmission line will connect LCRA TSC's existing Bakersfield Station located approximately 38 miles northeast of the City of Fort Stockton off of Farm to Market Road 1901 to AEP Texas' existing Solstice Switch Station located approximately 29 miles west of the City of Fort Stockton on the north side of Interstate Highway 10 near Hovey Road. LCRA TSC will construct, own, operate and maintain the eastern half of the transmission line connecting to LCRA TSC's Bakersfield Station and AEP Texas will construct, own, operate and maintain the western half of the transmission line connecting to AEP Texas' Solstice Switch Station. The entire project will range from approximately 68 to 92 miles in length and is estimated to cost approximately \$194 million to \$237 million (including station costs), depending upon the final route chosen by the PUC.

Your land may be directly affected in this docket. If one of LCRA TSC and AEP Texas' routes is approved by the PUC, LCRA TSC and AEP Texas will have the right to build the facilities, which may directly affect your land. This docket will not determine the value of your land or the value of an easement if one is needed by LCRA TSC or AEP Texas to build the facilities.

If you have questions about the transmission line, you can call 512-578-2692. The descriptions of the proposed routing alternatives and a map showing the proposed alternative routes are enclosed for your convenience.

The CCN application, including detailed routing maps illustrating the proposed transmission line project and project area, may be reviewed on the project website at www.lcra.org/baksol and at the Pecos County Clerk, 200 S. Nelson St., Fort Stockton, Texas 79735.

All routes and route segments included in this notice are available for selection and approval by the Public Utility Commission of Texas.

The enclosed brochure entitled "Landowners and Transmission Line Cases at the PUC" (also available online at www.puc.texas.gov) provides basic information about how you may participate in this docket, and how you may contact the PUC. Please read this brochure carefully. The brochure includes sample forms for making comments and for making a request to intervene as a party in this docket. ***The only way to fully participate in the PUC's decision on where to locate the transmission line is to intervene in the docket. It is important for an affected person to intervene because LCRA TSC and AEP Texas are not obligated to keep affected people informed of the PUC's proceedings and cannot predict which route may or may not be approved by the PUC.***

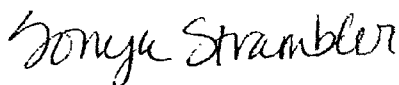
In addition to the contacts listed in the brochure, you may call the PUC's Customer Assistance Hotline at 888-782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the PUC's Customer Assistance Hotline at 512-936-7136, or toll free at 800-735-2989. **If you wish to participate in this proceeding by becoming an intervenor, the deadline for intervention in the proceeding is December 27, 2018, and the PUC should receive a letter from you requesting intervention by that date.** Mail the request for intervention and 10 copies of the request to:

Public Utility Commission of Texas
Central Records
Attn: Filing Clerk
1701 N. Congress Ave.
P.O. Box 13326
Austin, Texas 78711-3326

People who wish to intervene in the docket must also mail a copy of their request for intervention to all parties in the docket and all people who have pending motions to intervene, at or before the time the request for intervention is mailed to the PUC. In addition to the intervention deadline, other important deadlines may already exist that affect your participation in this docket. You should review the orders and other filings already made in the docket. The enclosed brochure explains how you can access these filings.

Thank you for your interest in this project.

Sincerely,



Sonya Strambler
Regulatory Case Manager
Lower Colorado River Authority
P.O. Box 220, MS DSC-D140
Austin, Texas 78767



Randy Roper
Regulatory Case Manager
AEP Texas, Inc.
400 W. 15th Street, Suite 1500
Austin, Texas 78701

Enclosures